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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/797,382	03/10/2004	Marian Trinkel	520.1043	3246
7278	7590	11/09/2007		
DARBY & DARBY P.C. P.O. BOX 770 Church Street Station New York, NY 10008-0770			EXAMINER JACKSON, JAKIEDA R	
			ART UNIT 2626	PAPER NUMBER
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/797,382	<b>Applicant(s)</b> TRINKEL ET AL.	
	<b>Examiner</b> Jakieda R. Jackson	<b>Art Unit</b> 2626	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 31 August 2007.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1 and 3-17 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1 and 3-17 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                 | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date: _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                        | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date: _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Response to Amendment***

1. In response to the Office Action mailed May 31, 2007, applicant submitted an amendment filed on August 31, 2007, in which the applicant amended and requested reconsideration with respect to **claims 1 and 16**.

### ***Response to Arguments***

2. Applicant's argue that Backfried does not teach or suggest speaking vocabulary/speech data into a vocabulary database in an automated manner using an audio module. That is, Backfried does not teach that the new words to be learned are spoken to the speech recognition system in an automated manner by a computer-based audio module, instead of using a person to train a speech recognition system or person to create/expand the vocabulary database. Applicant's arguments are persuasive, but are moot in view of Besling et al. Besling et al. teach adding new words to a vocabulary by having a list of additional words and that a phonetic transcription can be made for a word based on phonetic transcriptions of known words (column 10, line 47 – column 11, line 21).

### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

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(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. **Claims 1 and 3-4** are rejected under 35 U.S.C. 102(e) as being anticipated by Besling et al. (USPN 6,363,348), hereinafter referenced as Besling.

Regarding **claim 1**, Besling discloses a method for at least one of generating and expanding a vocabulary database of a speech recognition system (adding words to a vocabulary; column 10, lines 47 – column 11, line 21), comprising:

providing a computer-based audio module (conventional computer technology with microphone; column 6, lines 1-37); and

training the speech recognition system (speech recognition) by acoustic training using the audio module (acoustic training; column 7, line 66 – column 8, line 55),

wherein the training the speech recognition system is performed by:

providing the audio module with vocabulary data (vocabulary data; column 10, lines 47 – column 11, line 21); and

speaking the vocabulary data to the speech recognition system (speech recognition system) in an automated manner using the audio module so as to expand the vocabulary database (adding additional words to the vocabulary; column 10, lines 47 – column 11, line 21).

Regarding **claim 3**, Besling discloses a method wherein the training the speech recognition system (speech recognition system) is performed by providing the audio module with vocabulary data from a speech database (column 10, lines 47 – column 11, line 21).

Regarding **claim 4**, Besling discloses an automatic vocabulary generator wherein it provides the audio module with vocabulary data via a telecommunications network (Internet; column 6, lines 1-37).

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. **Claims 5-6** are rejected under 35 U.S.C. 103(a) as being unpatentable over Besling in view of Furman et al. (USPN 6,049,594), hereinafter referenced as Furman

Regarding **claims 5 and 6**, Besling teaches a method for generating and/or expanding a vocabulary database of a speech recognition system, but does not specifically teach providing the audio module with vocabulary data is performed in a streaming mode.

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Furman discloses an automatic vocabulary generator wherein it provides a streaming mode the audio module with vocabulary data is performed in a streaming mode (column 9, lines 48-60), such that a user can use a variety of networks.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Besling's method wherein it teaches a streaming mode, as taught by Furman, to add flexibility to meet user needs (column 13, lines 14-18).

7. **Claims 7-15** are rejected under 35 U.S.C. 103(a) as being unpatentable over Besling in view of Backfried et al. (USPN 6,801,893), hereinafter referenced as Backfried.

Regarding **claim 7**, Besling discloses a method of at least one of generating and expanding a vocabulary database, but does not specifically teach speech synthesis.

Backfried discloses a method of expanding a vocabulary method further comprising creating the speech database by automated speech synthesis of text data using a speech synthesis unit (speech synthesis; column 4, lines 13-15), to make the data sound more natural sounding.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Besling's method wherein it comprises speech synthesis, as taught by Backfried, to generate the pronunciation of a word that is not in the basic vocabulary; column 2, lines 40-47).

Regarding **claim 8**, Besling discloses a method further comprising providing the text data from a text database (textual data; column 9, lines 41-49).

Regarding **claim 9**, Besling discloses a method of at least one of generating and expanding a vocabulary database, but does not specifically teach speech synthesis.

Backfried discloses a method wherein the audio module includes a speech synthesis unit (speech synthesis; column 4, lines 13-15), which converts text data to speech data (text-to-speech; column 2, lines 41-47), to make the data sound more natural sounding.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Besling's method wherein it comprises speech synthesis, as taught by Backfried, to generate the pronunciation of a word that is not in the basic vocabulary; column 2, lines 40-47).

Regarding **claim 10**, Besling discloses a method further comprising providing the text data from a text database (textual data; column 7, line 66 – column 9, line 49).

Regarding **claim 11**, Besling discloses a method further comprising:  
creating a text database in an automatic manner (text performed automatically; column 11, lines 9-21), but does not specifically teach providing the text data to the speech synthesis unit from the text database.

Backfried discloses a method for providing the text data to the speech synthesis unit from the text database (synthesis; column 2, lines 40-46 and column 10, lines 60-67), to make the data sound more natural sounding.

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Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Besling's method wherein it comprises speech synthesis, as taught by Backfried, to generate the pronunciation of a word that is not in the basic vocabulary; column 2, lines 40-47).

Regarding **claim 12**, Besling discloses a method comprising:

finding the text data in an internal or external telecommunications network (internet) using at least one search engine, the text data being associated with at least one search term(search; column 9, lines 42-49);

receiving the text data from at least one text data source (text; column 9, lines 42-49); and

automatically storing the text data in the text database (column 7, line 66 – column 9, line 49).

Regarding **claim 13**, Besling discloses a method wherein the telecommunications network includes the Internet (Internet; column 6, lines 1-37)

Regarding **claim 14**, Besling discloses a method wherein the creating the text database is performed by automatically reading the text data from the at least one text data source using a data processing system and wherein the automatically storing is performed using the data processing system (text; column 7, line 66 – column 9, line 49).

Regarding **claim 15**, Besling discloses of expanding a vocabulary, but does not specifically teach speech synthesis.



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Backfried discloses a method wherein the training the speech recognition system is performed by providing the audio module with vocabulary data from a speech database and further comprising:

creating the speech database by automated speech synthesis of text data from a text database using a speech synthesis unit; (synthesis; column 2, lines 41-46 with column 4, lines 13-15 and column 12, lines 18-20) and

analyzing and processing the text data prior to the speech synthesis (column 4, lines 13-15 and column 10, lines 60-67), to make the data sound more natural sounding.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Besling's method wherein it comprises speech synthesis, as taught by Backfried, to generate the pronunciation of a word that is not in the basic vocabulary; column 2, lines 40-47).

8. **Claims 16-17** are rejected under 35 U.S.C. 103(a) as being unpatentable over Furman in view of Besling.

Regarding **claim 16**, Furman discloses a speech recognition system comprising:  
a vocabulary database (vocabulary; column 10, line 47 – column 11, line 21);  
a text database (text; column 11, lines 10-21); and  
a speech synthesis unit configured to receive text data from the text database by acoustic speech input (acoustic) and convert the data to speech data, the speech data

stored in a speech database (text-to-speech; column 4, line 66 – column 5, line 61), but does not specifically teach a computer-based audio module.

Besling discloses a computer-based audio module wherein the speech data is spoken into the vocabulary database (vocabulary) in an automated manner (automatically) using the audio module so as to expand the vocabulary database (add words to the database; column 10, line 47 – column 11, line 8), to provide an undue burden on a user; column 4, lines 14-16).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Furman's system where it comprises a computer-based audio module, as taught by Besling, for simultaneously supporting recognition for many clients to enable pattern recognition for a wide range of subject. This allows good quality recognition (column 4, lines 14-50).

Regarding **claim 17**, Furman disclose a speech recognition system wherein the text database is generated by automatically searching a telecommunications network for text data related to a selected search term (telecommunication network; column 9, lines 48-60).

### ***Conclusion***

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- Morrison (USPN 4,425,128) disclose an automatic management system for speech recognition processes.


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10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jakieda R. Jackson whose telephone number is 571-272-7619. The examiner can normally be reached on Monday-Friday from 5:30am-2:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Hudspeth can be reached on 571-272-7843. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

JRJ  
November 1, 2007



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